

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-----------------------|---|----------------------|
| MARSHALL CARTER, JR., |) | |
| |) | |
| Plaintiff, |) | 8:04cv540 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| DANIELLE POWELLS, |) | |
| |) | |
| Defendant. |) | |

In an Order to Show Cause, the court gave the plaintiff a deadline to notify the court of any reason he may have why this case should not be dismissed for failure to prosecute. The plaintiff was warned in the Order to Show Cause that, in the absence of a timely and sufficient response to the Order to Show Cause, this case would be subject, without further notice, to dismissal without prejudice.

There has been no response by the plaintiff, and the deadline has expired. Therefore, pursuant to NECivR 41.1¹, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 1st day of August, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge

¹NECivR 41.1 states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."